

# **COMMUNITY POLICE REVIEW COMMISSION OFFICER INVOLVED SHOOTING REPORT**

CPRC Case No. OIS 01-001  
RPD Case No. P3-01-161-141

**Decedent:** Vanpaseuth Phaisouphanh

**Date of Incident:** June 10, 2001

**Location:** 6848 Phoenix Avenue

**Date of Complaint:** No complaint filed

## **Introduction:**

On June 10, 2001, Officer John Porche shot Vanpaseuth Phaisouphanh to death in front of his house at 6848 Phoenix Avenue. Detectives Vic Williams and Fred Kelvington, who were under the supervision of Sgt. John DeLaRosa, conducted the R.P.D. investigation into that shooting. Investigators for the Community Police Review Commission, along with the commissioners, have reviewed the investigation into the shooting and the following is a report on that review.

## **Evidence:**

The CPRC investigators reviewed the entire criminal investigation conducted by RPD. Among the evidentiary items received were:

- Tape-recorded statement of Officer John Porche
- Tape-recorded statement of Mr. Harix Moran
- Tape-recorded statement of Ms. Angelica Moran
- Tape-recorded statement of Ms. Sonia Jauregui
- Tape-recorded statement of Ms. Sharon Biber
- Tape-recorded statement of Ms. Kammi Biber
- Tape-recorded statement of Mr. Paul Biber
- Tape-recorded statement of Mr. Robert Biber
- Tape-recorded statement of Mr. Richard Biber
- Tape-recorded statement of Mr. Thomas Eddington
- Tape-recorded statement of Ms. Alma Lee Bingham
- Tape-recorded statement of Mr. Roy L. Vines
- Tape-recorded statement of Ms. Yvonne Torres
- Tape-recorded statement of Mr. Joseph Garcia
- Tape-recorded conversation between Mr. Robert Biber and the 911 operator as Officer Porche arrived on scene and as the scene unfolded, through the actual shooting.

- Tape-recorded conversation between a person believed to be the decedent and the 911 operator, then an open line as Officer Porche can be heard giving commands and then gun shots.
- Tape-recorded conversation between Officer Porche and the RPD dispatcher.

### **Synopsis of Shooting:**

**The following is a time line as established by the 911 operator as he made notations on the CAD system.**

1219 hrs. – Ms. Sharon Biber called the 911 operator and told her that a neighbor had come over to her house and said that an Asian male who was across from her house had just stabbed him. She said that the Asian male had two knives in his hands and was sitting underneath the garage door.

1224 hrs. – Officer Porche arrives on the scene.

1225 hrs. – Ms. Sharon Biber stated that the officer shot the decedent. Ms. Biber said that the decedent came at the officer and that the decedent was down.

**The following is gleaned from the transcript of the radio traffic on Channel 1. There are no time lines given.**

Officers Porche, Cook and Riedeman are dispatched to the Biber residence with regard to the stabbing victim. They are told that the suspect (decedent) is across the street sitting or hiding under the garage door. The dispatcher describes the suspect as an Asian male armed with a knife.

Officer Porche reports that he has arrived in the area of the call. The next transmission is Porche telling the dispatcher to expedite a backup unit and that he had one suspect at gunpoint.

Officers Riedeman and Cook notified the dispatcher that they were on the scene, then Officer Porche requests medical aid code 3. The rest of the transcript is routine radio traffic associated with an Officer-Involved Shooting.

**The following was gleaned from the transcript of the telephone conversation between the RPD dispatcher and Sharon Biber, then Robert Biber.**

Sharon Biber initiates the call and tells the dispatcher that her neighbor, Harix Moran, came to the house and said he had been stabbed by the decedent, who was an Asian male who lived across the street and at the time of the conversation was sitting under the half-open garage door. Robert Biber was watching out of the window and was relaying what he saw to Sharon, who was passing the information on to the dispatcher.

Eventually, but before Officer Porche arrived on the scene, Robert Biber got on the telephone and was talking directly to the dispatcher. He said that the decedent was

sitting under the half open garage door. He said he was smiling and rubbing two knives together. Robert described how a person on a bicycle passed in front of the decedent's house and the decedent made a motion towards the biker, but settled back down. Robert can then be heard telling someone to have his father, Richard Biber, who was outside their house with Mr. Moran, warn a pedestrian who was about to walk in front of the decedent's house, not to go near the decedent's house.

Robert then described Officer Porche arriving at the scene and tells the dispatcher that the decedent walked towards the officer. Robert then described how the decedent kept coming towards Officer Porche. Several gunshots can be heard in the background and Robert described how Officer Porche shot the decedent.

**The following was gleaned from a tape-recorded transmission to the 911 operators from someone, presumably the decedent, at the decedent's house. The telephone used was a cordless phone and the hand-held portion of the phone was found near the decedent's garage door.**

Much of the information on the tape-recording was inaudible due to background noise and the distance from where the telephone lay and where the shooting actually took place. However, Officer Porche can be heard to shout several warnings for the decedent to stop and the shots can be heard. The officer fired a three shot pattern, then two shots.

**The following was gleaned from the interviews of all of the statements gathered by the detectives.**

As witness Harix Moran was getting in his car with his wife and daughter, he saw a wrench on the ground near his car. He noticed that his neighbor, the decedent, was outside, so he asked him if the wrench was his. The decedent responded by advancing on Mr. Moran with two knives in hand. In an effort to protect his family, Mr. Moran confronted the decedent and a scuffle ensued. It ended when Mr. Moran, whose hand had been cut, got into his car with his wife and daughter and drove out of the driveway. The daughter's window was down and the decedent tried to stab her before she could raise the window. After that was unsuccessful, he made a scratch down the length of the car.

Mr. Moran then drove to the home of Mr. Richard Biber who was his next-door neighbor. He went to the Biber house where he told Mr. Biber that he had been stabbed by the decedent. Mr. Biber stepped outside to the front of the house to give Mr. Moran first aid, while his wife, Sharon Biber, called 911.

When the 911 operator answered the phone, Ms. Biber told her that Mr. Moran had been stabbed and needed an ambulance. She also began relaying information from her son, Robert, who was watching the decedent and reporting on his activities. The decedent's house was directly across the street from the Biber residence.

The decedent was sitting under a half-opened garage door, smiling and rubbing the blades of two knives together. At one point, a bicyclist rode by the decedent's house

and the decedent made a motion toward him but stopped and settled back into his sitting position. Then a pedestrian was seen walking down the sidewalk toward the decedent's house and Robert yelled down to his father, Richard, to have the pedestrian stop and not go near the decedent's house.

Officer Porche arrived on the scene ahead of the other officers. The decedent immediately got up from his sitting position and advanced toward the officer, who had parked in front of the decedent's house a short distance from the driveway. As the decedent approached the officer, he had the same smile on his face that he had maintained since the beginning of the incident and continued to hold a knife in each hand.

Officer Porche immediately drew his pistol and began backing up, going from near the rear of his patrol car on the driver's side, past the driver's door to the left front of the car. He then backed up, going in front of the car to the curb, stepped up on the curb to the grassy area between the curb and sidewalk and continued to back up towards the rear of the patrol car on the passenger's side.

As Officer Porche backed up, he was calling the dispatcher on his police radio and shouting commands to the decedent telling him to stop. The decedent failed to respond except to continue towards the officer at a pace faster than the officer was able to back up. By the time the officer had stepped up on the curb to the grassy area, the decedent had closed to within about 10 to 12 feet.

As the decedent reached the curb, his facial expression changed from a smile to a more serious look and he increased his pace towards the officer. The officer then fired three shots, then two shots, mortally wounding the decedent. As the back up officers arrived on the scene, Officer Porche called for medical assistance and that assistance, which had staged a short distance away, arrived in moments and transported the decedent to the hospital where he expired.

The follow-up investigation revealed that the decedent had a criminal record in three states, including California. Toxicology tests revealed a blood alcohol level of .12% and a urine alcohol level of .17%. Cannabinoids were also detected in the urine.

### **Finding**

The Community Police Review Commission has found that the actions of the officer were within policy of the Riverside Police Department.

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Jack Brewer, Chairperson  
Community Police Review Commission

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